

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 30, 2008 has been entered.

### ***Election/Restrictions***

Applicant's election of Invention II (claims 14-18) in the reply filed on July 30, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-13 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 30, 2008.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-18 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to

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another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876). The process steps in claims 14-18 are not tied to a statutory class nor do they execute a transformation. Thus, they are non-statutory. Applicant does recite the statutory class in the preamble of the claim, however, the gathering, organizing, matching, selecting and delivering steps do not recite the statutory class.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 14 –18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,609,106 to Robertson in view of U.S. Patent No. 5,983,200 to Slotznick and in further view of U.S. Patent No. 5,991,771 to Falls.**

Regarding claims 14-18, Robertson discloses a method for providing specific product information and offers for sale to the system user, the method comprising the steps of: gathering product information regarding a variety of products offers and information (col. 2, lines 14-25; col. 10, lines 39-41); organizing the product offers and information based upon predetermined criteria (col. 9, lines 34-37; col. 10, lines 51-53);

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saving the product offers and information in a database (col. 12, lines 26-37); gathering system user profile information from the system user (col. 20, lines 10-16; Figure 16); saving the system user profile information (col. 20, line 65 – col. 21, line 13); organizing the system user profile information according to selected criteria based upon the user (col. 20, line 65 – col. 21, line 13); saving the system user profile information (col. 20, line 65 – col. 21, line 13); organizing the system user profile information, and gift-giving information according to predetermined criteria (col. 20, line 65 – col. 21, line 13); matching said organized product offers and information to the system user profile information and to the gift giving information and profiles based upon selected criteria (col. 18, lines 34-55); selecting product offers and information to be transmitted to the display device based upon matched product results and selected criteria (Figure 33, col. 18, lines 51-60); delivering program matched product offers and information to the system user through the display devices (Figure 33); storing the program matched product offers and information on the display device (col. 19, lines 5-11; col. 23, lines 57-65); receiving offers and information as selected by the shopper and storing the selected offers and information (Figure 33; Figure 36); displaying on the display device the selected offers and information, and the matched product offers and information upon request by the system user (Figure 33; Figure 36); and providing opportunities for interactive purchasing and communication through the display devices (Figure 33; Figure 36; Figure 37).

However, Robertson does not explicitly disclose the gift-giving information and profiles regarding future gift recipients from the system user, gift recipient's interests

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and attributes, a specified list of gift giving events for each gift recipient; and initiating specific processes from the display. Robertson discloses a “Choose a Gift for Someone” link (Figure 15) and a Reminders (340) link (Figure 21). When the user chooses the “Choose a Gift for Someone” link, a Gift Recipient Selection Page is displayed to the user (col. 22, lines 59-61).

Slotznick, on the other hand, teaches the gift-giving information and profiles regarding future gift recipients from the system user, gift recipient’s interests and attributes, a specified list of gift giving events for each gift recipient; and initiating specific processes from the display (col. 12, lines 56-67; col. 15, lines 7-16; col. 16, lines 52-61; col. 18, lines 36-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Robertson, to include the gift-giving information and profiles regarding future gift recipients from the system user, gift recipient’s interests and attributes, a specified list of gift giving events for each gift recipient; and initiating specific processes from the display, as taught by Slotznick, in order to provide a proper and appropriate gift (Slotznick, col. 14, lines 39-40) and to provide an interactive screen (Slotznick, col. 15, lines 41).

Robertson does not explicitly disclose the storing the displayed offers and information for later on-demand access; the displayed offers can be accessed from a location other than the display device; and the displayed device is not connected to the network and the device is able to store a transaction, purchase, and process for transmission until a connection between the display and the network becomes

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available. Robertson discloses storing various account information with respects to the users (col. 12, lines 58-60).

Falls, on the other hand, teaches the storing the displayed offers and information for later on-demand access; the display can be accessed from a location other than the display device; and the displayed device is not connected to the network and the device is able to store a transaction, purchase, and process for transmission until a connection between the display and the network becomes available (col. 3, line 66 – col. 4, line 15; col. 1, lines 11-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Robertson, to include the storing the displayed offers and information for later on-demand access; the display can be accessed from a location other than the display device; and the displayed device is not connected to the network and the device is able to store a transaction, purchase, and process for transmission until a connection between the display and the network becomes available, as taught by Falls, in order to provide consistent file locations regardless of whether the computer is connected to the network (Falls, col. 3, lines 9-11).

### ***Response to Arguments***

Applicant's arguments filed July 30, 2008 have been fully considered but they are not persuasive.

Applicant remarks that the system of Slotznick “executing tasks is different than a system for creating offers based on system user profile information”.

The Examiner notes that Slotznick was cited for teaching "the gift-giving information and profiles regarding future gift recipients from the system user, gift recipient's interests and attributes, a specified list of gift giving events for each gift recipient; and initiating specific processes from the display". Nonetheless, Slotznick teaches a method wherein the user must enter significant amounts of data (col. 2, lines 9-10). The user enters certain essential information for purchasing and delivering the items (col. 17, lines 30-34). The method incorporates a device with a database that accumulates data. The device remembers that data as a way to expedite the delegation process (such as creating offers) of the present task and similar tasks in the future. (Col. 2, lines 53-63) Slotznick teaches a system for reproducing information itself or in material objects, here and now or in the future at a point of sale, or when the information originates either at the appoint of sale or at a different place or at a different time or times. The method of producing such information when the information originates from user's input embodies in or modifies the production or shipping of the manufactured material object or services. (Col. 3, lines 7-29)

Such user entering certain essential information for purchasing and delivering the items; device with a database that accumulates data; device remembers that data as a way to expedite the delegation process of a task of the present task and similar tasks in the future; and method of producing such information when the information originates from user's input embodies in or modifies the production or shipping of the manufactured material object or services are considered "creating offers based on system user profile information".

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot /M. T./  
Examiner, Art Unit 3627  
October, 22, 2008